

### REMARKS

Applicants have carefully reviewed the Examiner's objections, rejections and comments in the Office Action of December 22, 2004 and have prepared the following response.

Claims 1-21 remain pending in this application. Initially, Applicants express appreciation that the Examiner has indicated claim 14 would be in condition for allowance if rewritten in independent form to include the limitations of claims 8 and 9. By this paper, Applicants have amended claims 1, 3, 8-9, 11 and 20-21, and rewritten claim 14 in independent form.

Turning now to the issues raised in the Office Action, Claims 3 and 11 were objected to because the claim recites "a reflective material chosen from metal and epoxy" while the specification recites "a reflective material such as epoxy or metal." Similarly, Claim 8 was objected to because "traveling" was misspelled in line 7. Applicants note that the above amendments to claims 3, 8 and 11 are believed to obviate the Examiner's stated objection to Claims 3, 8 and 11 by appropriately correcting the informalities cited by the Examiner.

In the Office Action, claims 1, 8 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gillespie (G.B. Patent 2,152,667A, hereinafter "Gillespie"); claims 2-3, 5-7, 9-11, 16-19 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gillespie in view of Lutke (U.S. Patent 6,229,476, hereinafter "Lutke"). Applicants respectfully traverse each of these rejections, and request reconsideration in view of the above amendments and the following comments.

More specifically, as expressly set forth in Applicants' amended independent

claims 1, 8 and 20, there is a transducer disposed directly above the reflective portion of the float. Support for this amendment can be found in Applicants' Figure 1 and the first full Paragraph of the Specification on Page 4, lines 3-9 of the Application. In contrast, none of the references relied on by the Examiner disclose or suggest a transducer disposed directly above the reflective portion of the float. For example, Gillespie discloses a liquid level gauge comprising two solid surfaces or walls (42, 50) extending in opposed relationship to each other, a transmitter transducer (40) arranged to cause surface acoustic waves to propagate down one of the solid surfaces (42), and a receiver transducer (48) arranged to receive surface acoustic waves propagating up the other solid surface (50). Applicant avers that Gillespie does not disclose or suggest a transducer disposed directly above the reflective portion of the float. Applicant further avers that the current disclosure of Gillespie discloses or suggests a plane reflecting surface (32) supported by a float (30) located between the two solid surfaces (42, 50) and arranged so that the plane reflecting surface (32) is a short distance below the surface (18) of the liquid (16) to be measured. As such, Applicants contend that independent claims 1, 8 and 20 are patentably distinguishable over the cited references, whether considered alone or in combination.

With respect to the remaining dependent claims 2-7, 9-13, 15-19 and 21, without conceding the Examiner's position, Applicants contend these claims are allowable as a result of the dependency from either claim 1, 8 or 20.

Finally, by this Response, Applicants have rewritten Claim 14 in independent form and hereby authorize the Examiner to charge our deposit account 03-1800. An appropriate Fee Transmittal sheet is attached to this Response.

From the foregoing, Applicants submit that the remaining claims in this patent application are now in condition for allowance. Accordingly, reconsideration of the claims and passage of the application to issue are courteously requested. If a telephone conference would expedite allowance or resolve any further questions, such a conference with the undersigned is invited at the convenience of the Examiner.

Respectfully submitted,

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